

**TOWN COUNCIL
REGULAR MEETING
FEBRUARY 21, 1996
7:00 P.M.**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. by Mayor Bush and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Bush, Vice-Mayor Venis and Councilmembers Cox, Kiar (arrived at 7:07 p.m.) and Santini. Also present were Town Administrator Flatley, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

3. PRESENTATIONS

3.1 Certificate of Achievement for Excellence in Financial Reporting for FY 1994

Bo Cole, City Treasurer from the City of Ft. Lauderdale, stated that the Certificate of Achievement was a significant accomplishment. He indicated that in order to receive the Certificate, the annual financial report had to meet the high standards of the Government Finance Officers Association Certificate Program. Mr. Cole outlined the Certificate process and indicated that the Town's attainment of the Certificate would serve as an example and would encourage other entities to strive for the high standards of governmental financial reporting. He congratulated the Town on its commitment to good reporting practices.

Christopher Wallace, Director of Budget and Finance, thanked Assistant Director of Budget and Finance Carol Menke for her work on this reporting. Ms. Menke accepted the Certificate on behalf of the Finance Department. Mr. Flatley stated that only 2% of the United States finance reporting governments achieved this award.

3.2 Florida WestFair

Tim Sheehan updated Council on the upcoming events.

3.3 Blasting Update

Assistant Town Administrator Robert Rawls advised that the Broward County Commissioners would reconsider proposed changes to their blasting ordinance on March 12th at 2:00 p.m. Vice-Mayor Venis stated that at a previous meeting, the County was to form a committee comprised of residents, local officials and County officials to finalize the ordinance. Mr. Rawls indicated that the Town had had an opportunity to discuss its issue with the County and the County was interested in the Town's changes. He stated that the County had made the choice to have a workshop instead of establishing a committee. Mr. Rawls encouraged everyone to attend the March 12th meeting.

Vice-Mayor Venis indicated that the Pembroke Pines blasting cases had been heard before arbitrators and the Town had questioned when the western area residents would be able to appear before the arbitrators. He hoped that Pembroke Pines returned with a positive answer. Mr. Rawls indicated that Mr. Flatley had voiced his concerns and had asked that the review be advanced.

Bonnie Stafiej, Community Services Supervisor, advised that upcoming events included: Dog obedience and handling classes (every Monday and Tuesday beginning in March); Jackpot Rodeo (every Wednesday); Ft. Lauderdale Dog Handling Finals (March 16-17th); Annual 5 Star Rodeo (March 30-31st); and the 16th Annual Take-A-Kid Fishing Tournament (March 16th).

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Ms. Stafiej advised that some Olympic swim teams were utilizing the Pine Island Community Center's pool for training.

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Community Services Director Sharon Pierce-Kent advised that pool signs were being installed.

4. OCCUPATIONAL LICENSES

Home Occupational

4.1 M + T Transportation, 2500 Kensington Boulevard

Mark Higgs and Tony Spirling, representing the applicant, were present. Mr. Higgs confirmed that the request was for mail and phone use only. He indicated that the vans would be housed off site.

Councilmember Santini made a motion, seconded by Vice-Mayor Venis, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

5. COUNCILMEMBER COMMENTS

COUNCILMEMBER SANTINI

HIATUS ROAD. Councilmember Santini stated that the Hiatus Road deletion from the Trafficways Plan would be heard by the Broward County Planning Council on February 22nd.

BOARD UPDATES. Councilmember Santini asked that Mayor Bush or Councilmember Kiar give updates on Joint Economic Development Steering Committee meetings. She also asked that any motions made by the advisory boards, be given to Council prior to the minutes being transcribed.

COUNCIL AGENDA. Councilmember Santini thanked staff for making the agenda user friendly and suggested that documents not be duplicated from meeting to meeting.

WESTFAIR. Councilmember Santini stated that Westfair began on February 23rd and invited all to attend the events.

CRIME. Councilmember Santini stated that her office building had been struck by criminals and was concerned that homes and businesses were having to begin locking their doors during the day because they were afraid. She asked that the Police Department provide educational programs to the residents and businesses on protecting themselves from crime. Police Chief Jack Mackie stated that the Crime Prevention Officer would visit businesses and residents to educate them on safety. He added that Crime Prevention Tips were provided by the area police chiefs in the local newspaper and indicated that he would provide an article for the Town's newsletter.

COUNCILMEMBER COX

WESTFAIR. Councilmember Cox invited all to the events and asked that everyone support the Boys and Girls Club.

COUNCILMEMBER KIAR

WESTFAIR. Councilmember Kiar commended the Town for the fencing that was installed for the Westfair.

CHILD SAFETY BOARD. Councilmember Kiar praised the Child Safety Board and Ms. Stafiej for the efforts on this Board. He stated that the Spring Egg Hunt and Child Safety Day was scheduled for April 6th and requested that Chairman Wayne Arnold and Ms. Stafiej give updates at the next several Council meetings.

HAPPY BIRTHDAY. Councilmember Kiar wished Al Tyler a happy birthday.

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UPCOMING COUNCIL MEETINGS. Councilmember Kiar stated that there was a possibility that he would not be able to attend the next Council meeting but would return for the March 20th meeting. He indicated that the Mayor was to be appointed at the March 20th meeting and he anticipated nominating Vice-Mayor Venis as Mayor.

ABUSE HOTLINE. Councilmember Kiar stated that President Clinton signed into law a federal government hotline for abused spouses and added that the State of Florida was also trying to establish something of this nature.

COUNCIL SEATS. Councilmember Kiar stated that several years ago, a discussion was held on expanding the number of Council seats. He indicated that due to the Town's size, it was physically difficult to meet with all the constituents. Councilmember Kiar suggested that Council consider adding two seats as it was currently considering Charter changes and asked Mr. Webber to investigate this possibility.

VICE-MAYOR VENIS

WESTFAIR. Vice-Mayor Venis invited everyone to attend the events.

FLAMINGO ELEMENTARY SCHOOL. Vice-Mayor Venis congratulated the students at Flamingo Elementary School for their Annual Olympic Week.

TRAFFIC SIGNAL. Vice-Mayor Venis stated that he had received a letter from the Traffic Engineering Division indicating that the intersection north and south of SW 14 Street were private entrances, and the property owners should be responsible for the cost of the traffic engineering study. He asked Mr. Rawls to follow-up this matter with the Board of Directors from Arvida.

SHENANDOAH. Vice-Mayor Venis thanked Public Works for fixing the drainage problem at the entrance to Shenandoah. He added that the lights were now working at Appalachian Trail in Shenandoah.

LEFT TURN ARROW. Vice-Mayor Venis stated that the left turn arrow at 148th and Griffin Road would be installed within 45 days.

IVANHOE. Vice-Mayor Venis commended the Police Department for their work on burglaries in the Ivanhoe area.

K-9 UNITS. Vice-Mayor Venis suggested that two more K-9 units be added to the next budget. Chief Mackie stated that the K-9 units were an important part of the Department and would be included in the budget. He suggested that two more motorcycle units also be added to the budget.

POLICE DEPARTMENT SITE. Vice-Mayor Venis stated that a meeting was held with Broward County School Board officials on the new police facility. Chief Mackie advised that the site was located at I-595 and Nob Hill Road which would be a cooperative venture with the School Board. He indicated that the site for the police facility was approximately 5 to 5 1/2 acres with a possibility of an additional parcel for a Fire Station and emergency medical service facility. Chief Mackie stated that additional meetings were being scheduled. Vice-Mayor Venis requested that color renderings be provided at the next Council meeting. Chief Mackie indicated that no timetable was given on the provision of a rendering; however, the needs assessment should be received by February 28th. He added that he hoped to have all the documents by the next Council meeting.

POLICE ATHLETIC LEAGUE. Chief Mackie stated that the annual Spaghetti Dinner would be held on March 20th and was being sponsored by Rigatoni's. He advised that tickets were available for \$5 for adults and \$3 for children under 12.

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MAYOR BUSH

BILL GESSNER SPORTS COMPLEX. Mayor Bush stated that the Town had made an agreement with Broward Community College for the usage of the Bill Gessner Sports Complex. He indicated that the College was providing fencing and dugouts in exchange for using the Complex. Mayor Bush advised that he and College Provost Glen Rose threw the first opening game pitch.

6. CONSENT AGENDA

Minutes

6.1 December 20, 1995 - Regular Meeting

6.2 January 17, 1996 - Regular Meeting

6.3 January 22, 1996 - Workshop Meeting

Proclamation

6.4 Women's History Month - March, 1996

Resolutions

R-96-48 **6.5 SUBDIVISION PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO PREVIOUSLY APPROVED SUBDIVISION PLAT AND PROVIDING AN EFFECTIVE DATE. (DG 2-1-96, 6857 College Court)

R-96-49 **6.6 MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 95-159 FROM \$53,500 IN AMOUNT TO \$3,000; AND PROVIDING AN EFFECTIVE DATE. (William Hamilton and Atkinson)

R-96-50 **6.7 TRAINING** - A RESOLUTION OF THE THE TOWN OF DAVIE, FLORIDA, AUTHORIZING EXTENDED TRAVEL, ESTIMATED TO COST, \$1,995.00 FOR SERGEANT RICK SMITH OF THE DAVIE POLICE DEPARTMENT. (Southern Police Institute)

R-96-51 **6.8 EASTSIDE NEIGHBORHOOD** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING AN AGREEMENT BETWEEN THE DAVIE COMMUNITY REDEVELOPMENT AGENCY AND BROWARD COUNTY FOR FUNDING THROUGH THE SHIP PREDEVELOPMENT PROGRAM FOR THE EASTSIDE NEIGHBORHOOD

R-96-52 **6.9 GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN APPLICATION FOR A GRANT ON BEHALF OF THE EASE FOUNDATION, INC. UNDER THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS FUNDED THROUGH THE COMMUNITY SERVICES BLOCK GRANT PROGRAM; AND ENTERING INTO AN AGREEMENT WITH THE DEPARTMENT OF COMMUNITY AFFAIRS AND AUTHORIZING THE EASE FOUNDATION, INC. TO MATCH FUNDS AS REQUIRED.

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- R-96-53 6.10 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
THE BIDS FOR LAWN MAINTENANCE OF VARIOUS PARK LOCATIONS. (Marfam Enterprises, Inc. and EDJ Lawn Service)
- 6.11 **QUIT CLAIM DEED** - RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING A PUBLIC PURPOSE QUIT CLAIM DEED FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION CONVEYING THREE PARCELS OF LAND ALONG THE FLAMINGO ROAD CORRIDOR FOR OPEN SPACE PURPOSES; AND PROVIDING AN EFFECTIVE DATE
- R-96-54 6.12 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
THE BID FOR PRINTING AND MAILING VARIOUS TOWN OF DAVIE FORMS. (First Image)
- R-96-55 6.13 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
THE BID FOR PHOTOGRAPHIC FILM DEVELOPING SERVICES. (L.F.D. Photography)
- R-96-56 6.14 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
THE BIDS FOR HORTICULTURAL CHEMICALS. (lowest responsive bidder for each item)
- R-96-57 6.15 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
THE BIDS FOR TRAFFIC BARRICADES AND CONES, CO-OP BID 3356. (lowest bidder for each item)
- R-96-58 6.16 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
THE BID FOR RENOVATIONS TO OLD DAVIE SCHOOL AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR SUCH SERVICES. (McCartney Construction Company - \$165,644)
- R-96-59 6.17 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
THE BID FOR AN EQUESTRIAN/PEDESTRIAN BRIDGE AT THE N-20 CANAL AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR SUCH SERVICES. (Shoreline Foundation, Inc. - \$95,680)
- R-96-60 6.18 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
THE BID FOR PRINTING THE TOWN OF DAVIE NEWSLETTER. (Tiger Tale Publications, Inc.)
- 6.19 **ACCEPTING RANKINGS** - A RESOLUTION OF THE TOWN OF

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R-96-61 DAVIE,
FLORIDA, APPROVING THE RANKINGS FOR DESIGN/BUILD THE
EASTSIDE COMMUNITY HALL AND AUTHORIZING THE TOWN
ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN
AGREEMENT FOR SUCH SERVICES. (Atlantic Coastal Construction, Inc.)

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R-96-62 6.20 **EXTENDING CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, EXTENDING THE CONTRACT BETWEEN THE TOWN AND MANAGED LOGISTICS SYSTEM, INC. FOR GARAGE MAINTENANCE OPERATIONS, PROVIDING FOR A TARGET BUDGET AND MODIFYING LANGUAGE RELATING TO THE PROVISIONS FOR INCENTIVE BONUSES. (Managed Logistics Systems, Inc.)**

R-96-63 6.21 **ARENA AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH THE Gold Coast Dog Club, Inc., FOR THE RENTAL OF THE DAVIE ARENA TO PRESENT DOG HANDLING CLASSES (Gold Coast Dog Club, Inc.; March 5, 1996 to September 3, 1996; arena rental fee - \$1,560)**

6.22 **LEASE AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA ACCEPTING A LEASE AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE BROWARD COUNTY SCHOOL BOARD FOR THE USE OF A BUILDING AT THE BROWARD COUNTY SCHOOL BOARD SOUTH AREA OFFICE; AND PROVIDING AN EFFECTIVE DATE**
RECOMMENDATION: Approval

Vice-Mayor Venis asked that item 6.10 be removed from the Consent Agenda. Councilmember Santini asked that items 6.18 and 6.21 be removed. Mayor Bush asked that items 6.4, 6.11 and 6.22 be removed.

Councilmember Kiar made a motion, seconded by Vice-Mayor Venis, to approve the Consent Agenda without items 6.4, 6.10, 6.11, 6.18, 6.21, and 6.22. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; Councilmember Santini - yes. (Motion carried 5-0)

6.4 Councilmember Santini read the proclamation in its entirety.

Councilmember Santini made a motion, seconded by Vice-Mayor Venis, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

6.10 Vice-Mayor Venis asked if this item was within the budget. Mr. Wallace confirmed.

Vice-Mayor Venis made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

6.11 Mayor Bush advised that items 6.11 and 6.22 needed to be tabled to March 6, 1996.

Councilmember Cox made a motion, seconded by Councilmember Santini, to table. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

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6.22 Vice-Mayor Venis made a motion, seconded by Councilmember Cox, to table. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

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6.18 Councilmember Santini questioned why the newsletter had increased in size. Mr. Wallace advised that the contents had increased and the printing quality had been improved. Councilmember Santini indicated that she wanted to include what Council was accomplishing.

Councilmember Santini made a motion, seconded by Councilmember Cox, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

6.21 Councilmember Santini requested that the arena rental fee be reviewed. Ms. Pierce Kent indicated that the existing fee had been recommended by a consulting firm. She added that contracts were being limited to six months while staff was reviewing the fees. Ms. Pierce-Kent indicated that staff was also looking at requests for proposal for a private promotional company to bring in more events.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve item 6.21. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7. SITE PLANS

7.1SP 9-3-95, Newport Apartments, 6900 SW 39 Street (RM-16) (tabled from February 7, 1996) Planning and Zoning Division approved subject to planning report; Site Plan Committee approved subject to the planning report, finalizing the design of the recreation trail and staggering the sable palms and increasing their height by at least five feet

Charles Buckalew, representing the applicant, was present. Matt Wood, Town Planner, read the planning report and confirmed that the bike path had been resolved. Mr. Buckalew explained the request.

Councilmember Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7.2SP 12-4-95, Harmony Village, northwest corner of NW 76 Avenue and Davie Road Extension (R-5) Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to eliminating the green roof shingles and bringing the shade of colors to approximately 75% reflectancy

Kathryn Berry and Leigh Kerr, representing the applicant, were present. Mr. Wood read the planning report. Mr. Kerr displayed a color board with discussion following.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve subject to the 75% reduction in color. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

8. PUBLIC HEARINGS

Mayor Bush opened the public hearing portion of the meeting.

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**8.1 COUNCIL TO TABLE TO MARCH 6, 1996 DUE TO THE
FIRST READING OF THE ORDINANCE - SEE ITEM 9.1**

REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 TO B-3; AMENDING THE ZONING MAP OF SAID TOWN TO COMPLY THEREWITH; AND PROVIDING AN EFFECTIVE DATE. (ZB 11-2-95, Flamingo Road and Orange Drive) (tabled from February 7, 1996)

Vice-Mayor Venis made a motion, seconded by Councilmember Kiar, to table the item until March 6, 1996. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

**8.2 COUNCIL TO TABLE TO MARCH 6, 1996 DUE TO THE
FIRST READING OF THE ORDINANCE - SEE ITEM 9.2**

REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 TO BP; AMENDING THE ZONING MAP OF SAID TOWN TO COMPLY THEREWITH; AND PROVIDING AN EFFECTIVE DATE. (ZB 11-3-95, Griffin Road and NW 160 Avenue) (tabled from February 7, 1996)

Councilmember Cox made a motion, seconded by Vice-Mayor Venis, to table to March 6, 1996. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

**8.3 COUNCIL TO TABLE TO MARCH 6, 1996 DUE TO THE
FIRST READING OF THE ORDINANCE - SEE ITEM 9.3**

REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 TO E; AMENDING THE ZONING MAP OF SAID TOWN TO COMPLY THEREWITH; AND PROVIDING AN EFFECTIVE DATE. (ZB 11-5-95, 13000 Orange Drive) (tabled from February 7, 1996)

Councilmember Cox made a motion, seconded by Vice-Mayor Venis, to table the item until March 6, 1996. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

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96-4 **8.4 REPEAL OF ESTATE ZONING DISTRICT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE TOWN BY AMENDING SECTIONS 12-21, 12-24(B), 12-32(A), 12-34(N), 12-34(U), 12-34(AA), 12-53 BY AMENDING TABLE 12-53, 12-81 BY AMENDING TABLE 12-81(A), 12-109 BY AMENDING TABLE 12-109, 12-115 BY AMENDING TABLE 12-115(A) AND TABLE 12-115(B), ALL FOR THE PURPOSES OF REPEALING AND ELIMINATING THE ESTATE (E) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title.

Mayor Bush asked if anyone wished to speak for or against the ordinance.

Bob Muccio, 13501 SW 14 Place, discussed the asterisk and indicated that the Pasadena project was an abomination if the E zoning was eliminated.

Debbie Apolinario, 2940 SW 148 Avenue, spoke in favor of the ordinance.

Al Tyler, 8090 SW 19 Court, spoke against E zoning.

Michael Davenport, 14041 SW 22 Place, spoke in favor of the ordinance.

James Newell, 14035 SW 20 Street, spoke in favor of the ordinance.

Pat Grimson, 15150 SW 27 Street, discussed the Town's growth.

Mayor Bush closed the public hearing.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve the ordinance for the repeal of E zoning. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Mr. Flatley announced that a workshop was scheduled for March 12th at 7:00 p.m. to discuss the equestrian district and the walls in the western area.

8.5 VACATION/ABANDONMENT - VA 1-1-96, Brosnahan, generally located on the north side of Oakes Road approximately 1/4 mile east of the Florida Turnpike (M-4, County) Planning Division approval; Planning and Zoning Board approval.

John Millage and Tom Brosnahan, representing the petitioner, were present. Gayle Easterling, Town Planner, read the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial.

Mayor Bush asked if anyone wished to speak for or against the petition. As no one spoke, the public hearing was closed.

Councilmember Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

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8.6 VACATION/ABANDONMENT - VA 1-2-96, Buckram Oak Farm, generally located along the north, south, east and west property line of the subdivision known as Buckram Oak Farm (E) *Planning Zoning Division approval subject to the planning report; Planning and Zoning Board approval subject to the planning report.*

Robin Banks, representing the petitioner, was present. Michele Mellgren, Director of Planning, read the planning report. Discussion followed on the south perimeter easements with Mr. Rawls indicating that the Town was not giving up any trail interest.

Mayor Bush asked if anyone wished to speak for or against the petition. As no one spoke, the public hearing was closed.

Councilmember Cox made a motion, seconded by Vice-Mayor Venis, to approve the staff recommendation which included the approval of the vacation of the utility easements but deferred the vacation of the recreational path. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

**8.7 APPLICATION TABLED TO PLANNING AND ZONING
BOARD MEETING OF MARCH 13, 1996; COUNCIL CAN TABLE
TO MARCH 20, 1996**

ZB 11-4-95, Craven Thompson and Associates, Inc./Florida Dairy Farmers Association, 4500 Oakes Road (from M-1, Broward County, to M-3, Davie) (tabled from February 7, 1996)

Councilmember Santini made a motion, seconded by Councilmember Cox, to table item 8.7 until March 20, 1996. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

8.8 REZONING - ZB 1-1-96, Christian Fellowship Inc./Posada, 1380 SW 124 Avenue (from R-5 to CF) *Planning Division approval subject to the planning report; Planning and Zoning Board approval subject to the planning report.*

Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Mr. Wood read the planning report.

An unidentified person, representing the petitioner, was present.

Mr. Webber asked if anyone wished to provide testimony in favor of, or opposition to, the rezoning.

Norm Edwards asked that the rezoning be approved.

Mr. Webber stated that the public hearing was concluded and Council could deliberate.

Councilmember Cox made a motion, seconded by Councilmember Kiar, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Mayor Bush closed the public hearing portion of the meeting.

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9. RESOLUTIONS

9.1A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE
R-96-64 **FIRST AMENDMENT TO SETTLEMENT AGREEMENT REGARDING LITIGATION BETWEEN THE TOWN OF DAVIE AND CERTAIN NAMED DEFENDANTS IN THE CURRENTLY PENDING CASE NO. 95-007822 (04), BROWARD COUNTY CIRCUIT COURT, INVOLVING PROPERTY COMMONLY REFERRED TO AS IMAGINATION FARMS, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE FIRST AMENDMENT TO SETTLEMENT AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the resolution by title. Mr. Webber explained that this resolution modified the agreement to address the issue of blasting and the development plan that was attached to the rezoning application. He stated that the various parcels were allowed to be treated on an individual basis. Mr. Webber added that a blasting application would trigger the possible removal from the settlement on the Pasadena residential tract, the Pownall residential option residential tract and the Pownall commercial tract. He stated that geological tests would be conducted and at the conclusion, it may be determined that blasting was not needed or blasting may be required in certain areas. Mr. Webber indicated that the petitioner had the flexibility to return to Council with an amendment to modify the plan. He added that Dennis Mele, representing the petitioner, also had an amendment that clarified that the maximum number of small lots would be the same as in the existing agreement.

Councilmember Santini questioned if the Pownall lawsuit was being dropped. Mr. Webber replied negatively and indicated that the Town would normally have to keep litigating with the litigants while in the process of a settlement agreement. He explained that the Pownall's had agreed to "sit back" while the Town was litigating with the Imagination Farms properties. Discussion followed.

Dennis Mele reviewed the history of the project and the agreement. He added the following to the list of approvals prior to entering into a final agreement: 1) site plans in the event they're filed; 2) make a determination of the need to blast; and 3) in the event the Town denied the zoning, the plat, the blasting permit or the site plan between now and when the final order was entered, the Town Attorney did not want the petitioner to be able to sue the Town for wrongfully denying the application. The only legal remedy in these cases was to withdraw from the Town and return to the litigation that had already been filed.

Councilmember Santini questioned who approved the blasting permit. Mr. Webber replied staff. Councilmember Santini asked if this permit could be brought before Council. Mr. Flatley replied affirmatively.

Leonard Miller, representing the petitioner, assured Council that the petitioner only wanted a good plan and would not want to get involved with blasting if at all possible. He stated that there had been no evidence of major structural defects in any place in Pembroke Pines as a result in blasting.

Mr. Miller indicated that only preliminary site plans had been prepared. Mr. Webber clarified that the agreement did not specifically list a site plan for an application for approval. He stated that this would be included if the petitioner filed for a site plan application prior to July 1, 1996 and once the zoning was approved with the attached plan, the petitioner had the right to come in with a modified site plan. Mr. Mele indicated that a site plan for the Pasadena parcel would be filed prior to the deadline date

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and would be added to the list of approvals.

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Councilmember Cox questioned if Council returned to the judge it if did not like the site plan. Mr. Webber replied affirmatively. Discussion followed.

Mayor Bush recessed the meeting at 9:28 p.m. and reconvened at 9:41 p.m.

Councilmember Kiar stated that Council did not receive the amended document until tonight's meeting and he felt that whenever an amended document was provided, the item should be tabled. Councilmember Cox indicated that she wanted to clear up the issues and not table the matter.

Councilmember Kiar made a motion, seconded by Vice-Mayor Venis, to table this item until the next meeting. Mayor Bush stated that the first amendment to the settlement agreement was in Council's backup and asked Mr. Webber for an explanation as to the changes that Mr. Mele had distributed. Mr. Webber advised that the amendment clarified that the number of small lots required remain the same on the Pasadena parcel and the Pownall option parcel. In a roll call, the vote was as follows: Mayor Bush - no; Vice-Mayor Venis - yes; denied Cox - no; Councilmember Kiar - yes; and Councilmember Santini - no. (Motion carried 3-2)

After a lengthy discussion, Mr. Mele agreed to add the blasting permit for Silverado to the list of approvals and the site plan on the section that dealt with the Pasadena property. He summarized the changes that were made to the settlement agreement during the meeting: 1) duplicate Pasadena property blasting language for Silverado blasting (page 3, item 9, paragraph 3); 2) add the application for approval of the site plan for the Pasadena property (page 3, item 9, paragraph 3); and 3) add wells to the definition of structure and any damage to the well would be eligible to the provision in the agreement (page 12 of the main settlement agreement).

Howard Zimmerman indicated that the amended agreement would also be modified that all real and personal property and fixtures including but not limited, to wells would be considered a structure and any damage would be eligible for the provision of this agreement. Mr. Mele added that the definition of damage included contamination of wells.

Mr. Webber stated that if he could not reach an agreement with the petitioner once the amendments had been included in the agreement, the document would be brought back to Council for consideration.

Councilmember Cox made a motion, seconded by Councilmember Santini, to approve item 9.1 with the addition of the amendments and agreements that Mr. Mele consented to. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - no; Councilmember Cox - yes; Councilmember Kiar - no; and Councilmember Santini - yes. (Motion carried 3-2)

R-96-65 **9.2STIPULATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
AUTHORIZING THE TOWN'S LEGAL COUNSEL TO ENTER INTO A STIPULATION ABATING ACTION BETWEEN THE TOWN OF DAVIE AND HENRY A. POWNALL AND HARRIET POWNALL; IN THE CURRENTLY PENDING CASE NO. 95-007822 (04), BROWARD COUNTY CIRCUIT COURT; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Reinfeld read the resolution by title. Mr. Webber explained that this resolution abated the action.

Councilmember Santini made a motion, seconded by Councilmember Cox, to approve item 9.2. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember

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Santini - yes. (Motion carried 5-0.

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10. ORDINANCE - FIRST READING (Public Hearing to be held on March 6, 1996)

10.1 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 TO B-3; AMENDING THE ZONING MAP OF SAID TOWN TO COMPLY THEREWITH; AND PROVIDING AN EFFECTIVE DATE. (ZB 11-2-95, Flamingo Road and Orange Drive) (tabled from February 7, 1996)

Town Clerk Reinfeld read the ordinance by title. Mayor Bush advised that a public hearing on this item would be held on March 6, 1996.

Councilmember Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - no; Councilmember Cox - yes; Councilmember Kiar - no; and Councilmember Santini - yes. (Motion carried 3-2)

10.2 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 TO BP; AMENDING THE ZONING MAP OF SAID TOWN TO COMPLY THEREWITH; AND PROVIDING AN EFFECTIVE DATE. (ZB 11-3-95, Griffin Road and NW 160 Avenue) (tabled from February 7, 1996)

Town Clerk Reinfeld read the ordinance by title. Mayor Bush advised that a public hearing on this item would be held on March 6, 1996.

Councilmember Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - no; Councilmember Cox - yes; Councilmember Kiar - no; and Councilmember Santini - yes. (Motion carried 3-2)

10.3 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 TO E; AMENDING THE ZONING MAP OF SAID TOWN TO COMPLY THEREWITH; AND PROVIDING AN EFFECTIVE DATE. (ZB 11-5-95, 13000 Orange Drive) (tabled from February 7, 1996)

Town Clerk Reinfeld read the ordinance by title. Mayor Bush advised that a public hearing on this item would be held on March 6, 1996.

Councilmember Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - no; Councilmember Cox - yes; Councilmember Kiar - no; and Councilmember Santini - yes. (Motion carried 3-2)

10.4 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 TO R-2; AMENDING THE ZONING MAP OF SAID TOWN TO COMPLY THEREWITH; AND PROVIDING AN EFFECTIVE DATE. (ZB 10-1-95, 5390 SW 58 Avenue)

Town Clerk Reinfeld read the ordinance by title. Mayor Bush advised that a public hearing on this item would be held on March 6, 1996.

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Councilmember Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

10.5 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM B-2 TO B-3; AMENDING THE ZONING MAP OF SAID TOWN TO COMPLY THEREWITH; AND PROVIDING AN EFFECTIVE DATE. (ZB 1-1-96, southeast corner of State Road 84 and SW 130 Avenue)

Town Clerk Reinfeld read the ordinance by title. Mayor Bush advised that a public hearing on this item would be held on March 6, 1996.

Councilmember Santini made a motion, seconded by Councilmember Cox, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

10.6 VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF UTILITY EASEMENT LOCATED WITHIN PARCEL "B" OF THE FOUNDATION PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 1-1-96, 3401 Burris Road)

Town Clerk Reinfeld read the ordinance by title. Mayor Bush advised that a public hearing on this item would be held on March 6, 1996.

Councilmember Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

10.7 VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING UTILITY, CANAL, AND CANAL MAINTENANCE EASEMENTS LOCATED WITHIN THE BUCKRAM OAK FARM PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 1-2-95, 3001 Nob Hill Road)

Town Clerk Reinfeld read the ordinance by title. Mayor Bush advised that a public hearing on this item would be held on March 6, 1996.

Councilmember Cox confirmed that the recreational trails were not included in this ordinance. Ms. Mellgren replied affirmatively and indicated that this issue would be resolved at a later date.

Councilmember Cox made a motion, seconded by Councilmember Kiar, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

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10.8 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 13-21, OF THE CODE OF DAVIE BY AMENDING SECTION 13-21(a), AND ADDING SECTION 13-21(c), DELETING THE REQUIREMENT FOR PROPERTY FIRE INSPECTIONS RELATED TO HOME OCCUPATIONAL LICENSES AND PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Reinfeld read the ordinance by title. Mayor Bush advised that a public hearing on this item would be held on March 6, 1996.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve item 10.8. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

11. APPOINTMENTS

11.1 Broward County League of Cities Voting Delegate

11.2 Broward County League of Cities Voting Alternate

Councilmember Cox nominated Councilmember Kiar as the Voting Delegate. Vice-Mayor Venis nominated Mayor Bush as the Voting Alternate. In a voice vote, all voted in favor.

12. DISCUSSION

12.1 Reschedule April 3, 1996 meeting to April 2, 1996 due to the Passover holiday

Councilmember Cox made a motion, seconded by Councilmember Kiar, to move the April 3rd meeting to April 2nd. In a voice vote, all voted in favor.

12.2 Proposed Extension of Metrorail System into Broward County along University Drive

Mr. Flatley stated that Broward County was holding a meeting on February 22nd to discuss the proposed extension. He indicated that the alignment of the proposed extension disturbed numerous cities and he asked for Council's recommendation on approving the system along the Turnpike or I-595. Mr. Rawls indicated that Dade County was conducting a study to extend Metrorail along University Drive to Joe Robbie Stadium. He added that Broward County was conducting a study to evaluate continuing the system along University Drive to either the Broward or Sawgrass mall; however, since the original submittal, Broward County was now looking at the Turnpike corridor as a more feasible alternative.

Vice-Mayor Venis indicated that he was not in favor of this system along University Drive and Plantation Mayor Veltri had asked that a resolution be adopted should Council not be in favor. Councilmember Santini questioned that the resolution would indicate that the Town was against an extension along University Drive but would consider this along the Turnpike and I-595.

Mr. Rawls asked for Council's direction to forward the Town's position at the February 22nd meeting. He clarified that Council's direction was that it was strongly opposed to developing any type of rail system along the University Drive corridor. Mr. Rawls questioned the proposal along the Turnpike corridor and I-595. Council concurred that this proposal was acceptable.

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13. TOWN ADMINISTRATOR'S REPORT

CALDER FARMS. Mr. Flatley stated that the Calder Farms Homeowners' Association was requesting that the Town complete installing the guardrail on 70th Avenue from Griffin Road to 55th Street. Councilmember Cox requested that she be allowed to meet with the Association to discuss this matter. She indicated that she was opposed to the completion of the guardrails.

WESTFAIR. Mr. Flatley indicated that the event needed to be promoted and all involved needed to make it a success.

14. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 10:55 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk